

Docket Item #2-B  
BZA CASE #2005-0030

Board of Zoning Appeals  
July 14, 2005

**ADDRESS:** 500 EAST NELSON AVENUE  
**ZONE:** RB, RESIDENTIAL TOWNHOUSE  
**APPLICANT:** MARK NEBERGALL, OWNER

**ISSUE:** Special exception to construct a two story addition and screened porch in the required front yard facing Dewitt Avenue.

CODE SECTION	SUBJECT	CODE REQMT	APPLICANT PROPOSES	REQUESTED EXCEPTION
3-706(A)(1)	Front Yard (West)	20.00 feet	16.00 feet	4.00 feet

Staff **recommends approval** of the requested special exception because the request meets the criteria for a special exception.

If the Board decides to grant a special exception, it should contain the conditions under the department comments. Special exceptions must also be recorded with the deed of the property in the City's Land Records Office prior to the release of a building permit.

Deferred from April, May and June hearings.

(insert sketch here)

**I. Issue**

The applicant proposes several building improvements to the dwelling located at 500 East Nelson Avenue. The improvements are as follows:

- (1) **Construction of a two-story rear addition,**
- (2) **Construction of a covered porch,**
- (3) Construction of a six foot stockade fence,
- (4) Construction of a garage with workshop.

This case focuses on the construction of a two-story rear addition and covered porch.

**II. Background**

The existing dwelling is located on one lot of record. The lot is a corner lot which contains a two story masonry dwelling attached by a party wall to the adjacent dwelling at 502 East Nelson Avenue. The lot contains approximately 28.93 feet of frontage on East Nelson Avenue and approximately 126.83 feet of frontage on Dewitt Avenue. The dwelling is located 35.00 feet from the south primary front property line adjacent to East Nelson, 16.00 feet from the west secondary front property line adjacent to Dewitt Avenue, 69.00 feet from the north side property line adjacent to the alley, and on the east side property line adjacent to 502 East Nelson Avenue. An existing deck and stair on the north facade would be demolished to accommodate a new two-story addition and covered porch.



*Location of proposed addition*



*500 East Nelson Avenue*

### III. Description

#### *Two-story addition:*

The proposed two story addition would be located on the north facade of the existing dwelling. The addition would measure 23.75 feet long by 16.30 feet wide. The addition would extend the existing non-complying west facade wall currently located 16.00 feet from the west front property line adjacent to Dewitt Avenue. The addition would be a masonry, flat-roofed structure identical in mass and scale to the existing dwelling. The addition would total 27.00 feet in height from grade to the top of the roof.

#### *Covered porch:*

The proposed covered porch would be located on the north facade of the proposed addition. The screened porch would measure 16.30 feet wide by 6.00 feet. The screened covered porch would be located 16.00 feet from the west front property line adjacent to Dewitt Avenue and measure 18.50 feet in height from grade to the top of the half-gable roof.

There have been no variances or special exceptions previously granted for the subject property.

### IV. Master Plan/Zoning

The subject property is zoned RB, residential and has been so zoned since adoption of the Third Revised Zoning Map in 1951 and is identified in the Potomac West Small Area Plan for residential land use.

### V. Requested Special Exceptions

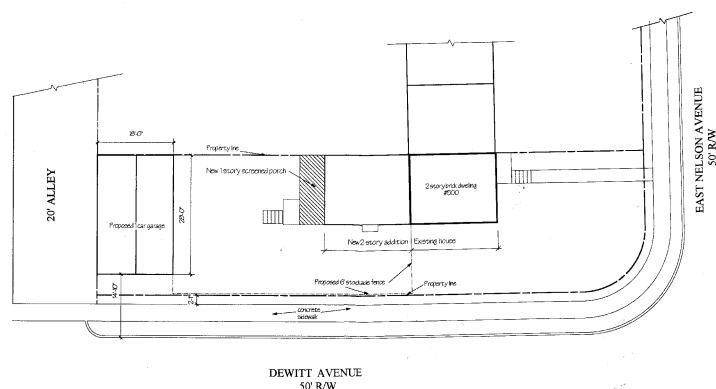
#### Section 3-706(A)(1) Front Yard (West)

#### *Two-story addition*

RB zone regulations state that each use must provide a minimum required 20.00 foot front yard. The proposed addition will extend an existing non-complying west facade wall currently 16.00 feet from the secondary west front property line. The applicant seeks a variance request of 4.00 feet to construct the addition within the required west front yard.

#### *Covered Porch*

RB zone regulations state that each use must provide a minimum required 20.00 foot front yard. The proposed one-story covered porch will extend an existing non-complying west



***Proposed development at 500 East Nelson Avenue***



facade wall currently 16.00 feet from the secondary west front property line. The applicant seeks variance request of 4.00 feet to construct the covered porch within the required west front yard.

**VI. Noncomplying structure**

The existing building at 500 East Nelson Avenue is a noncomplying structure with respect to the following:

	<u>Existing</u>	<u>Required</u>	<u>Noncomplying</u>
Front Yard (West)	16.00 feet	20.00 feet	4.00 feet

**VII. Staff analysis under criteria of section 11-1302**

This case asks the Board of Zoning Appeals to find whether the proposed two-story addition and covered porch meet the special exception standards for approval.

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**Special Exception Standards**

The rules for additions built on noncomplying structures reflect Council's decision that property owners should be able to seek relief for modest improvements to their existing homes when the proposal involves the expansion of only one noncomplying wall projecting into a required yard. In such cases, an applicant no longer needs to file a variance and argue a legal hardship.

1. Whether approval of the special exception will be detrimental to the public welfare, to the neighborhood or to the adjacent properties.
2. Whether approval of the special exception will impair an adequate supply of light and air to the adjacent property, or cause or substantially increase traffic congestion or increase the danger of fire or the spread of fire, or endanger the public safety.
3. Whether approval of the special exception will alter the essential character of the area or the zone.
4. Whether the proposal will be compatible with the development in the surrounding neighborhood.
5. Whether the proposed development represents the only reasonable means and location on the lot to accommodate the proposed structure given the natural constraints of the lot or the existing development of the lot.

**VIII. Neighborhood Impact**

Staff finds that the proposed development would be in character with the existing development of the block. Several other dwellings on interior lots in the block have rear

additions. Further, a number of corner lots have dwellings with additions which are located along the same plane as the main original dwelling.

**IX. Light and Air**

The proposed addition will have some impact on the adjacent property's current enjoyment of light and air. However, Staff argues that the proposed addition will not unreasonably impair light and air to the adjacent property at 502 East Nelson Avenue. The addition is similar in scale to other rear (side) additions and will not have a greater impact on light and air enjoyed by other dwellings.

**X. Location of Improvements**

The site of the proposed improvements demonstrates the only reasonable location for improvements to the dwelling. The addition will not encroach further into the required front setback nor would the addition likely have an adverse impact on the neighborhood. The addition is a masonry structure designed to mirror the existing dwelling and is in character with the building style and architecture prevalent in this neighborhood.

**XI. Staff Conclusion**

Staff recommends approval of the special exception.

STAFF: Hal Phipps, Chief, Planning & Zoning

Rasheda DuPree, Urban Planner, Planning & Zoning

**DEPARTMENTAL COMMENTS**

Legend: C - code requirement R - recommendation S - suggestion F - finding

\* The applicant is advised that if the special exception is approved the following additional comments apply.

Transportation and Environmental Services:

- F-1 Per the revised plan, T&ES does not support a curb cut and interruption of the public sidewalk along Dewitt Avenue to provide access to the proposed garage. The existing alley has sufficient width to allow for adequate access to a reoriented garage.
- R-1 Reorient the proposed two-car garage to provide access from the existing 20 foot alley. (T&ES)
- R-2 A plot plan showing all improvements and alterations to the site must be approved by T&ES prior to issuance of a building permit. The footprint,

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elevations, and reoriented parking facilities of the plot plan shall be generally consistent with what is shown on this application. (T&ES)

- R-3 Applicant shall be responsible for repairs to the adjacent city right-of-way if damaged during construction activity. (T&ES)
- R-4 An erosion and sediment control plan must be approved by T&ES prior to any land disturbing activity greater than 2500 square feet. (T&ES)
- R-5 If construction of the building addition and parking garage result in land disturbing activity in excess of 2500 square feet, the applicant is required to comply with the provisions of Article XIII of the City's zoning ordinance for stormwater quality control. (T&ES)
- R-6 City Code Section 8-1-22 requires that roof, surface and sub-surface drains be connected to the public storm sewer system. Where storm sewer is not available applicant must provide a design to mitigate impact of stormwater drainage onto adjacent properties and to the satisfaction of the Director of Transportation & Environmental Services. (T&ES)
- C-1 All utilities serving this site shall be placed underground. (Sec. 5-3-3)
- C-2 Any work within the right-of-way requires a separate permit from T&ES.(Sec. 5-3-61)

Code Enforcement:

- C-1 All exterior walls within 5 feet from an interior property line shall have a fire resistance rating of 1 hour, from both sides, with no openings permitted within the wall. As alternative, a 2 hour fire wall may be provided. This condition is also applicable to skylights within setback distance.
- C-2 Prior to the issuance of a demolition permit or land disturbance permit, a rodent abatement plan shall be submitted to Code Enforcement that will outline the steps that will taken to prevent the spread of rodents from the construction site to the surrounding community and sewers.
- C-3 Roof drainage systems must be installed so as neither to impact upon, nor cause erosion/damage to adjacent property.
- C-4 A soils report must be submitted with the building permit application.

- C-5 New construction must comply with the current edition of the Uniform Statewide Building Code (USBC).
- C-6 Construction permits are required for this project. Plans shall accompany the permit application that fully detail the construction as well as layouts and schematics of the mechanical, electrical, and plumbing systems.
- C-7 Permission from adjacent property owners is required if access to the adjacent properties is required to complete the proposed construction. Otherwise, a plan shall be submitted to demonstrate the construction techniques utilized to keep construction solely on the referenced property.
- C-8 A wall location plat prepared by a land surveyor is required to be submitted to this office prior to requesting any framing inspection.

Recreation (Arborist):

- F-1 There is low potential for this project to disturb significant archaeological resources. No archaeological action is required.

Historic Alexandria (Archaeology):

- F-1 There is low potential for this project to disturb significant archaeological resources. No archaeological action is required.

Other Requirements Brought to the Applicant's Attention:

- C-1 A wall check survey plat shall be submitted to Planning and Zoning when the building footprint is in place, pursuant to Alexandria City Code section 8-1-12.